

Andrew Jackson to Lewis Fields Linn, March 12, 1842, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

class=MsoNormal>TO LEWIS F. LINN. 1

1 U. S. senator from Missouri 1833–1843. This letter, much improved textually, was read by Linn in the U. S. Senate. See Congressional Globe , Appendix, 27 Cong., 2 sess., p. 364; also Niles's Register , LXII. 212.

Hermitage, March 12, 1842.

My dear sir, I have the pleasure to acknowledge the receipt of your letter of the 28th of February last and hasten to reply to it.

I had seen in the News papers before the receipt of your letter your notice given to the senate that you would introduce in due time a bill to refund to me, principle, interest and costs of the unrighteous fine imposed 0168 144 upon me, I may say, for saving Neworleans, the constitution and the laws, by declaring martial law, by which alone could the country have been defended. For this disinterested and unsolicited act of justic[e] to my memory my honor and future benefit to the defence of my beloved country I thank you. For I ask what general hereafter, if Neworleans was again threatened with invasion, let the real necessity be what it might, and the most energetic measures for its defence necessary, would hazzard the responsibility, of adopting those energetic measures by which the Country could alone be defended, whilst the record of the fine and loss stared him in the face, inflicted upon me by an unjust judge for declaring martial law, which all acknowledged that it was alone by this energetic measure, found upon a real necessity that the country was successfully defended. I believe but very few, when he considered

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that he might be brought before a vindictive judge, unlimited as to the magnitude of the fine only by his own discretion. It is for these reasons I am glad you have brought subject before Congress, that our Generals hereafter may know, when in a state of declared war exists and invasion by a foreign enemy, when from sheer necessity they adopt measure absolutely necessary for success, are to be called before a vindictive and irritated judge who had fled from his countries defence, deprived of his constitutional right of defence, as I was, and fined at the discretion of the judge sitting in his own cause, whether congress will not interpose and relieve them from the oppression of such tyranny—should, war ensue, which is now threatened, and congress not interfere to shield officers, under similar circumstances under which I was placed, no general will assume responsibilities, such as I did, and the country may be covered by defeat and disgrace.

When I declared martial law, judge Hall was in the city, visited me often where the necessity of declaring martial law was discussed and recommended by all the patriotic and leading men in the city, and by his actions appeared to approve it. The morning I issued the order he visited me at my office, the order was read aloud, when he heard it he exclaimed, now the country may be saved, without it, it was lost. One of the details of the order were, that the lights in the streets should be extinguished at 9 oclock and every person found in them to be arrested carried to the provo guard and detained for examination next morning. judge Hall and judge Mathews applied, being batchellers to be exempted from this rule, as they spent their evenings with their female friends, was above suspision etc. etc. I refused to grant the exemption twice, but a third application was made by the Mayor and Aldermen, when I granted the exemption, and on the night of the same day, by that exemption, passed by guards and retired up the country to Batonrough. after the Battle of the 8th of January judge Hall returned to the city, his former friends receved him cooly, he being a batcheller, who ought to have remained, and by his council and presence, stimulated his fellow citizens to a brave defence of the city and aided in preserving the beauty of the city from violence and rapine.

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The judge was intemperate at times—this cool reception by the ladies and former friends, brought him into a state of intemperence, threw him into the arms of the treacherous and disaffected, and they wielded him as a machine to bring the civil power in contact with the military, disgrace the general, and open a way to the enemy to suddenly return from their position and make an easy conquest of the city. This I resisted upon the ground, if I was excusable in declaring martial law for the defence of the country, from real, not a faned necessity it was right to continue martial law until the enemy had retired from our coast, or peace was declared. For further information I refer you to my defence under judge Halls rule for me to appear and shew cause why an attachment should not issue against me for contempt to the court, and on my appearence offered to the court and the judge refused to hear read—he was afraid that I had referred to the manner he had violated my order and fled from the city, which I had refrained from touching. This you will find appended to Eatons life of Jackson and the part of that history that relates to this case I would refer you to.

Being deprived of my constitutional right of defence, the next was a notice to appear at a certain day and answer interrogatories. I appeared, but for the reasons, that when I appeared under the former rule, and offered to shew cause, and this being refused to be heard I would not answer interrogatories. See Eatons life of Jackson page 418–19–20–21–22–23. There is no truth in the rumor, which you notice, that the fine was paid by others. It was paid by myself every cent. The fact are these—when the judge pronoun[c]ed the fine $1000 and costs, Mr. Abner L. Duncan one of my voluntary aids and one of my council being in court, I immediately ordered my aid Major Reid, to repair to my quarters and bring the amount, not meaning to leave the court until the fine was paid. Mr. Duncan forthwith asked the clerk, if he would take his check for the amount—the clerk replied in the afirmative and Mr. Duncan gave the check, I then directed my aid to proceed forthwith, get the mony and meet Mr. Dunkens check at the Bank and take it up which

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was done—these are the facts and Major Davazac, now in the assembly of N york can verify them. It is true, as I was informed that the Ladies did raise the amount to pay fine and costs and when I heard it I advised them to apply it to the relief of the widows and orphans, who had become so by their husbands falling in the defence of the city which I was informed was so applied. Major Davazac, if referred to can verify this.

I again thank you for bringing this subject before congress, because I have been much abused, misrepresented upon this subjected, and the facts of this case unknown to thousands, and I am free to declare that when I review the scenes which I passed thro in defence of our beloved country, the days of toil and nights of watchfulness, to preserve our country from foreign conquest, our constitution and our laws, that risqued life and health and reputation dearer than all, and for which I was insulted, and fined by a vindictive judge who had violated my order and fled from its defence, and who, to deprive me of my defence comitted a forgery by altering the record, so as to shew that the Issuing of the habeas 0170 146 corpus was the day after his arrest, and therefore the act of combining with Luellar 2 in exciting mutiny in my camp, inasmuch as the habeas corpus was Issued on the 6th, the day after the arrest, when in truth and in fact it was agreed upon and issued on the 5th. This being made known to me on the 5th, I sent for the clerk who brought the record with him, when on the record the alteration clearly appeared in the handwriting of the Judge, and on the 5th, the same day he was arrested, and altered as the clerk deposed after he was in custody and under arrest. I therefore detained the original, intending to indite the judge for the forgery, and gave to the clerk a certified copy stating the original in my hands, to be delivered to any court that might legally require its production. But strange to tell at that day in Louisiana, the law knew of no crime for altering records, and no crime as forgery but forging a Bank bill, and the judge had the record of proceedings against me destroyed and I had to have the record of the proceedings made out by the affidavits of Mr. E. Livingston Major Reid Mr. Abner L. Duncan, and I believe major John Grimes. This record was made out to base an impeachment of the judge upon and went on in the fall of 1815 for the purpose—here debility forces me to stop. The

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judge soon after became my warm friend, Eulogised me for my energy and firmness in the defence of orleans. I forgave him and he died soon thereafter.

2 Louaillier, the editor whose arrest under martial law led Judge Hall to issue the writ of habeas corpus which Jackson defied.

The great benefit which may arise by bringing this subject before congress and their action on it, that our officers may know, when defending an important point when they take upon themselves responsibilities that may become really necessary for a successful defence that their government will shield them from the Tyranny and oppression of vindictive judges, who retire from the defence of their country.